

ORIGINAL

Nextel Communications, Inc.  
2001 Edmund Halley Drive, Reston, VA 20191  
703 433-4000

**NEXTEL**

EX PARTE OR LATE FILED

November 1, 2000

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Magalie R. Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A-325  
Washington, DC 20554

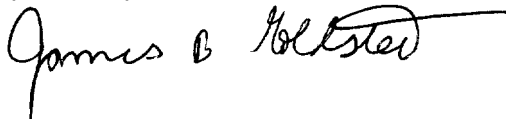
Re: EX PARTE, PR Docket No. 93-144 ✓

To the Secretary:

Pursuant to Section 1.206 of the Commission's Rules, Nextel Communications, Inc. ("Nextel") hereby provides an original of this letter and two copies of the enclosed letter delivered on this date to the Thomas J. Sugrue, Chief of the Federal Communication Commission's Wireless Telecommunications Bureau. This filing should be associated with the above-captioned proceeding.

Should any questions arise in connection with this notification, please do not hesitate to contact the undersigned.

Respectfully submitted,



James B. Goldstein  
Regulatory Attorney – Government Affairs

cc: Kathleen O'Brien Ham

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Thomas J. Sugrue, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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Re: 800 MHz SMR Incumbent Reimbursement  
EX PARTE, PR Docket 93-144

Dear Mr. Sugrue:

Nextel Communications, Inc., ("Nextel"), hereby responds to the recent *ex parte* presentations of the American Mobile Telecommunications Association ("AMTA") regarding the 800 MHz SMR incumbent relocation process.

The one-year mandatory negotiation period for relocating 800 MHz upper-200 SMR channel incumbent licensees to other 800 MHz channels is scheduled to end by December 4, 2000.<sup>1</sup> The relocation process has been extremely successful. To date, Nextel has reached agreements with approximately 87% of incumbents on spectrum in its Economic Area ("EA") licenses identified as necessary to clear the upper-200 channel band. Nextel continues to negotiate with the remaining upper-200 channel incumbents and will do so until the end of the mandatory negotiation period.<sup>2</sup>

AMTA has recently made two *ex parte* filings in support of its Petition for Reconsideration regarding "up-front" reimbursement of incumbent

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<sup>1</sup> This followed a one-year voluntary negotiation period that began on December 4, 1998.

<sup>2</sup> On October 24, 2000, Nextel filed a request to extend the mandatory negotiation period for ninety days, due to the lost negotiation time due to Auctions 34 and 36. In another recent filing, Nextel filed a Petition for Expedited Declaratory Ruling notifying the Wireless Telecommunications Bureau ("Bureau") of difficulties receiving necessary information from incumbents during the mandatory negotiation period.

relocation costs.<sup>3</sup> Nextel, as a significant EA license holder nationwide, opposed AMTA's Petition last spring and continues to oppose its request today.<sup>4</sup> As the comments in the proceeding demonstrate, and as extensive relocation experience of nearly the past two years demonstrates no changes in the Commission's relocation reimbursement rules are necessary.

As Nextel indicated in its previous filings opposing AMTA's Petition, the Commission insightfully balanced the rights of EA licensees and incumbents in not requiring reimbursement of relocation costs until an incumbent has been fully relocated and the frequencies are free and clear for the EA licensee's use. Nextel often agrees to compensate an incumbent licensee with a percentage of the anticipated relocation costs upon reaching an agreement; however, it should continue to be left to the parties to negotiate these provisions on a case-by-case basis. AMTA's most recent *ex parte* presentation continues to offer no compelling reasons for modifying a relocation process that is working well in practice – particularly near the end of the mandatory negotiation period.

Through the course of hundreds of incumbent relocation negotiations, Nextel has yet to fail to reach agreement with an incumbent over the reimbursement issue. While AMTA continues to state this is an important matter for its members, it has yet to provide a specific example of a party harmed by the current rules or that the rules have malfunctioned in practice. Accordingly, the Commission should affirm its existing rules and deny AMTA's Petition for Reconsideration.

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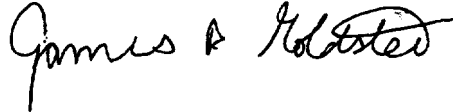
<sup>3</sup> See AMTA's *ex parte* filings of September 29, 2000 and August 8, 2000.

<sup>4</sup> See Nextel's Opposition to AMTA's Petition, filed on April 10, 2000 and its Reply on April 20, 2000.

Thomas J. Sugrue, Chief  
November 1, 2000  
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Should you have any questions in regards to this matter, please contact the undersigned at (703) 433-4140.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James B. Goldstein". The signature is fluid and cursive, with the first name "James" being the most prominent.

Lawrence R. Krevor  
Senior Director – Government Affairs

James B. Goldstein  
Regulatory Attorney – Government Affairs

cc Kathleen O'Brien Ham